

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 UNITED STATES OF AMERICA,

Case No. 2:10-cr-578-APG-GWF

5 Plaintiff,

6 v.

7 LINDA LIVOLSI,

8 Defendant.
9

10 The United States moves for the interlocutory sale of a specific parcel of real
11 property. (Dkt. #222.) The United States quotes the relevant factors set forth in
12 Supplemental Rule G(7)(b)(i)(A)-(D) of the Federal Rules of Civil Procedure, but offers no
13 evidence or argument to support its allegation that those factors are satisfied here. For
14 instance, there is no evidence that the property is decaying or deteriorating while in the
15 custody of the marshal; there is no evidence of the taxes or mortgage; there is no evidence
16 that the expense of keeping the property is excessive. The United States simply repeats
17 the four factors in conclusory fashion. (*Id.* at 4-5.) While I have the power to order such a
18 sale (Fed. R. Crim. P. 32.2(b)(7)), that does not mean I must, or that I can or should in the
19 absence of convincing evidence. If the United States wants to sell the property, it must
20 demonstrate that the factors set forth in Supplemental Rule G(7)(b)(i)(A)-(D) are satisfied
21 here.

22 IT IS ORDERED that the United States' Motion for Interlocutory Sale (Dkt. #222)
23 is **DENIED WITHOUT PREJUDICE**.

24 Dated: September 25, 2015.

25 
26 ANDREW P. GORDON
27 UNITED STATES DISTRICT JUDGE
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